

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GABRIELLA SULLIVAN, et al.,

Plaintiffs,

v.

BOB FERGUSON, et al.,

Defendants,

and

ALLIANCE FOR GUN
RESPONSIBILITY,

Intervenor-Defendant.

No. 3:22-cv-05403-DGE

DECLARATION OF BRIAN DELAY
CORRECTING EARLIER
DECLARATION AND REPORT

NOTE ON MOTION CALENDAR:
October 16, 2023

I, Brian DeLay, declare and state as follows:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained in this declaration, and testify based on my personal knowledge and information.

2. I previously submitted a declaration and expert report in this matter. I recently reviewed my report and discovered a mathematical error. In my initial report, I stated that reliable firearms with fixed high-capacity magazines accounted for “less than 0.002% of guns in the U.S. in 1868.” Dkt. #128, Ex. A, ¶¶ 5, 58–59. I arrived at this number based on (1) an estimated 9,300 Henry and Winchester 1866 rifles being in the United States, and (2) a conservative estimate of

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EARLIER DECLARATION AND REPORT- 1
3:22-cv-05403-DGE

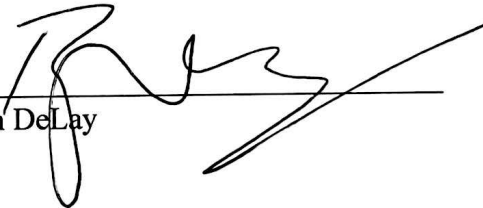
PACIFICA LAW GROUP LLP
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1 there being five million firearms in the United States at this time. *Id.* Dividing 9,300 by 5,000,000
2 yields 0.00186, or less than 0.002. In my initial report, I erroneously listed that decimal figure
3 (0.002) as a percentage. The correct percentage is 0.2%.

4 3. Attached hereto as **Exhibit A** is a true and correct copy of the corrected expert
5 report and my CV. The only change between this report and my initial report is the error I have
6 described above and corrected in the attached report.

7 I hereby declare that the above statement is true to the best of my knowledge and belief,
8 and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

9 Dated this 22 day of September, 2023 at Albany, California.

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12 Brian DeLay
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 2023, I electronically filed the foregoing document with the Clerk of the United States District Court using the CM/ECF system which will send notification of such filing to all parties who are registered with the CM/ECF system.

DATED this 25th day of September, 2023.



Legal Assistant